



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,191	07/25/2003	Gary H. Newman	101120-0003	2692
24267 7590 01/16/2007 CESARI AND MCKENNA, LLP 88 BLACK FALCON AVENUE BOSTON, MA 02210			EXAMINER PHAM, MICHAEL	
			ART UNIT 2167	PAPER NUMBER
			MAIL DATE 01/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/627,191

Applicant(s)

NEWMAN ET AL.

Examiner

Michael D. Pham *MR*

Art Unit

2167

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: none.
Claim(s) objected to: none.
Claim(s) rejected: All.
Claim(s) withdrawn from consideration: none.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 3. NOTE:

1. A submission of a new IDS, and prior art has been submitted at this time and confirmation of received documents is now being made after final action. It is noted that although the alleged IDS and Belmange user guide was stated to be previously submitted there is no real proof of such submission. The Examiner empathizes with Applicant's; however, it does not make sense that the Patent Office scanned in everything else except for the IDS and submitted prior art. Regardless of who is to blame at this time, such submission at this time would require further reconsideration and/or search.

2. 112 rejections to claims 10 and 11 withdrawn.

3. Applicant's assert the following:

a. In respect to claims 12-19, that Zager does not disclose "grouping computers in accordance with user-specified primary grouping criteria and secondary grouping criteria that are values of computer profile data of interest." Asserting that Zager is used to set up the system model, and not to group computers for reporting to attribute thereof. That while Zager reference does describe using groupings to define objects or MOs, of its model, Zager does not show any particular criteria for the grouping. Hence, Zager does not disclose grouping computers in accordance with primary grouping criteria and secondary grouping criteria that are values of computer profile data of interest.

In response the Examiner respectfully disagrees that Zager does not disclose grouping computers in accordance with primary grouping criteria and secondary grouping criteria. First it is noted that applicant's agree that Zager discloses manually intervening groupings to define objects, or MOs of its model (page 9). However applicant's disagree that Zager does not show any particular criteria for the groupings. In response, the examiner disagrees. First of all, there is no requirement of any particular grouping criteria. The claim itself only requires two types of grouping criteria none of which is of any particular criteria. As such the examiner directs applicants towards 0075, wherein it states that "the system administrator can manually input the information needed to include a representation of that component and of its relationships with other components in the model". That is to say, in building the model (and thus grouping), there is user-specified grouping criteria that is essentially the information needed to include a representation of that component (i.e. secondary grouping criteria) and information of its relationships with other components of the model (i.e. primary grouping criteria), which certainly suggests "grouping computers in accordance with user-specified primary grouping criteria and secondary grouping criteria that are values of computer profile data of interest". Finally, they are values of computer profile data of interest because information are about the particular components for the MO's. Wherein the components are hardware and software computerized equipment. Furthermore, applicant's assert that "thereafter the system administrator may manually aid the discovery operations, as discussed in paragraph 0281" implying that "a list of subnets to discover" comes before the system administrator providing a list of subnets, subnet ranges, etc (see response page 9). However, Zager, 0274, states that "the process BEGINS with the receipt from the system administrator of a list of networks, subnets, subnet ranges, and hosts or host ranges." 0274 Further states that "a list of subnets to discover is THEN built". Therefore applicant's implied assertions are unpersuasive over the cited art.

b. That Zager does not disclose providing summaries of attributes of the computers in the group and in groups that are in the subtree that has the given group as its root.

In response, the examiner respectfully disagrees that Zager does not disclose providing summaries of attributes of the computers in the group and in groups that are in the subtree that has the given group as its root. First of all "attributes of the computers in the group and groups" could be any kind of data as long as it is about the computers in the group and in groups that are in the subtree that has the given group as its root. Secondly, there is no restriction as to the type of database the claimed invention utilizes. The term database itself is a broad definition (The Authoritative Dictionary of IEEE standard terms: Database- A collection of data fundamental to a system.). As to applicant's assertion that in 0082, implying that the information is derived from the model is not a database. The examiner respectfully disagrees, the model itself is a collection of the resources found in the administered system and also represents the service-relationships among those resources (abstract). The model as disclosed in Zager can be properly construed as a database by definition. Also, the model incorporates a database that is, 0071, states that "there are also a model server and an operational database that support the model". Furthermore, 0152 discloses that "the model traverses the directed graph referred to above, starting from the MO corresponding to the resource from which the occurrence was reported, to the edge of the graph in what may be termed the leafward direction, that is, in the direction from parent (publisher) MO to child (subscriber) MO. In addition to this however the model also traverses the graph in the other direction (rootward) to find other MO's that may have undergone state changes". These state changes could be properly construed as "summaries of attributes of the computers" and the traversals of the model could be properly construed as "in the group and in groups that are in the subtree that has the given group as its root." That is, the attributes of computers such as state changes (i.e. summaries of attributes of the computer such as what is wrong with it) are traversed through the group and in groups that are in the subtree that has the given group as root (i.e. occurrence reported are traversed through the tree to find the groups that contain the state changes).

c. That Zager does not suggest using ranges of values for the primary and secondary criteria or of regrouping the computers based on using different primary and secondary criteria as set forth in the claims that depend from claim 12. Accordingly, Zager does not anticipate claims 13 and 15-19 which depend from claim 12.

In response the examiner respectfully disagrees with applicant's assertions. It appears that applicant's rely upon the fact that "thereafter the system administrator may manually aid the discovery operations" However, as discussed in part "a" above, the 0274 appears to disclose that the process begins with the administrator supplying range values, and thus suggests "ranges of values for the primary and secondary criteria. Secondly, regrouping the computers based on using different primary and secondary criteria as set forth in claims dependent to claim 12 is further suggested by Zager, as stating that an advantage of the system is that it is able able to redefine the modeling (thereby re-grouping MO's) 0096. Therefore, Applicant's assertions over the cited art are unpersuasive.

d. That McCormack does not teach providing reports that summarize the attributes of the computers in the groups and including in the report for a given

group the attributes of the computers in the groups that are in the subtree that has the group as its root.

Lastly, as to claims 1-11 where applicant argues the McCormack reference. First, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Applicant's argue McCormack alone. Secondly, please see part b, where Zager discloses providing reports that summarize attributes of the computers. Lastly, even in combination, Zager and McCormack would reasonably suggest providing reports that summarize the attributes of the computers in the groups and including in the report for a given group the attributes of the computers in the groups that are in the subtree that has the group as its root. That is, McCormack at least discloses a reporting task that is executed that involves for example, displaying a selected network devices. That the information to be displayed is filtered and displayed in an appropriate view (i.e. summarized attributes displayed in reports) col. 16 l. 37-48. While Zager further discloses that state changes (which could also be summarized attributes) are traversed through the model as stated above in part b. Thereby, Zager suggests including in the report for a given group the attributes of the computers in the groups that are in the subtree that has the group as its root (i.e. 0152).

cy

Cammy
Primary Examiner
Cam y Tuong